

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

DENNIS J. RYDBOM,

Petitioner,

v.

Civil Action No. 2:20-cv-00043

SUPERINTENDENT DONNIE AMES,
Mt. Olive Correctional Complex,

Respondent.

ORDER

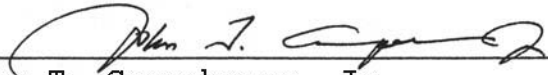
On March 31, 2023, the court entered an order denying petitioner's request for habeas relief under 28 U.S.C. § 2254. ECF 54. Petitioner has indicated he seeks to appeal the court's order. ECF 56. The question before the court is whether petitioner is entitled to the issuance of a certificate of appealability.

The court has considered whether to grant a certificate of appealability. 28 U.S.C. § 2253(c). A certificate is not granted absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). The standard is satisfied only upon a showing that reasonable jurists could debate whether or find that the petition should have been resolved differently or that the issues merit further

consideration. Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683-84 (4th Cir. 2001). The court concludes that the governing standard is not satisfied in this instance. Accordingly, the court ORDERS that a certificate of appealability be, and it hereby is, denied. Pursuant to Rule 11, Rules Governing Section 2254 cases, petitioner may not appeal the denial but may seek a certificate from the court of appeals under Federal Rule of Appellate Procedure 22.

The Clerk is directed to transmit copies of this order to all counsel of record and any unrepresented parties.

ENTER: April 12, 2023



John T. Copenhaver, Jr.
Senior United States District Judge